IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINl REVISION APPLICATION NO. 155 OF 2004

Mrs. Ujwala Alias Lata Gorakh Kolekar,
Age about 23 years, Occ. Household,
Residing at C/o Shri Santosh Raghunath
Shinde,Flat No.11, Kalapshri
Bombay Colony, Behind Demello Petrol Pump
Wadgaonsheri, Pune-411014 for herself and
on behalf of

2. Kumar Akash Gorakh Kolekar,
Age about 3 years, Occ. Nil.,
Available at - As above. ... Petitioners.
Vs.

1. Shri Gorakh Sudam Kolekar,
Age 27 years, Occ. Service,
Residing at Kooyli Banobachi,
Via Chakan, Tal. Khed, Dist. Pune,

2. State of Maharashtra. .. Respondents

Shri A.M. Joshi for the petitioners.

Shri Vilas Topkir for Respondent No.1.

CORAM : F.I. REBELLO &
ANOOP V.MOHTA, JJ.

DATE : 17TH AUGUST, 2004.

ORAL ORDER.

. Heard learned Counsel for the petitioners.

2. Challenge is to the order dated 12/02/2004, whereby the claim by the petitioner No.1 for maintenance has been rejected. The petitioner also challenges the

awarding of maintenance to petitioner No.2 in sum of Rs. 150/-. In the affidavit filed before this Court today in paragraph NO.11 it has come on record that the respondent No.1's gross salary Rs. 4200/-, after deductions in the salary he receives Rs. 2300/- per month. The trial Court has primarily rejected the relief in favour of the petitioner-wife on the ground that it is the petitioner wife who is staying away from matrimonial home, although the respondent-husband is willing to take her back. From the evidence it has come on record from the observation as can be seen from the paragraph 4 of the order that various attempts have been made, not only by the respondent but by his parents and other well wishers to get back the petitioner No.1. However, she refused to go back. It is her case that she has been ill-treated by the husband on account of some anonymous letter which was received by the respondent. Unfortunately, there is no evidence in support of the allegations made by the petitioner that she had been treated with cruelty. It is also contended that the respondent was forcing her to sign on the divorce between brother-in-law and his wife and she had not agreed for the same, she has been treated with

cruelty. Again that has been unsubstantiated. The exercise in criminal revisional jurisdiction even in the case of maintainence cannot be reappriciation of evidence on finding of fact which has been recorded, unless such findings are so perverse, which no person law, could have arrived and or there has been failure on the part of the Court exercising jurisdiction to take into consideration relevant facts on material on record. that is not the case here. Considering the above, challenge by the petitioner No.1 to the order is devoid of merit

3. In so far as petitioner No.2 is concerned, considering the minority of the child and that facts that the child requires nutrition and other essentials and considering the salary of the petitioner which has now come on record as Rs. 4200/-, though he is getting in hand Rs. 2300/-, the ends of justice would be met, if the said maintenance amount is increased from Rs. 150/- to Rs. 750/- per month from the date of the order of the trial Court which is 17/2/2004, till the petitioner NO.2 attains the age of majority.

4. Order of trial Court dated 17/02/2004 is

accordingly modified. Petition stands disposed off.

. Parties concerned to act on a simple copy of this order, duly authenticated by the Court Stenographer of this Court.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]